

REMARKS

The Examiner rejected independent claims 1 and 15 under 35 U.S.C. §103(a) as being obvious over Lee in view of Hemmi. However, the Hemmi patent does not qualify as valid prior art. Therefore, the §103 rejection fails as a matter of law.

Applicant submitted a §1.131 declaration and accompanying Exhibits in the response dated January 5, 2006, to show that the inventor of the present invention conceived of the claimed invention not later than February 17, 2003, and pursued the invention with reasonable diligence through filing of an application on October 14, 2003. This response incorporates that §1.131 declaration and all accompanying Exhibits by reference in their entirety. According to the information printed on the face of Hemmi, the patent to Hemmi is based on an application filed on February 20, 2003. Because the Hemmi filing date post-dates Applicant's date of February 17, 2006, Hemmi does not qualify as prior art and the §103 rejections to independent claims 1 and 15, and all their respective dependent claims, fails as a matter of law.

However, even if Hemmi were valid as prior art (which it is not), the §103 rejection still fails because there is no motivation to combine Lee and Hemmi. Lee discloses a wireless device having a flip that moves between an open position and a closed position. A different keypad is disposed on each side of the flip. Lee teaches detecting the open and closed states of the flip, and using those detected states to control the size of text or other material displayed on a display screen, and to control power provided to different portions (30a, 30b) of the display screen. When the flip is opened, the user employs the keypad on the rear surface of the flip (i.e., 60b) for Internet functions and enjoys a relatively large screen size. When closed, the user employs the keypad on the front surface of the flip (i.e., 60a) to place and receive voice communications, and has a smaller screen size.

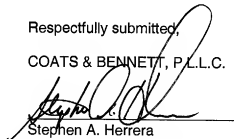
Thus, Lee specifically designs and places the disclosed keypads on their respective flip surfaces such that they both operate in conjunction with the act of opening and closing the flip.

Lee uses the signals generated by opening and closing the flip to operate the disclosed device. Modifying the flip of Lee to rotate about a second axis as taught by Hemmi would interfere with those signals and the operation of the Lee device. Particularly, the keys on the rear surface of the flip must be visible to the user when the flip is in the open state to allow the user to enter commands and see the enlarged display. Rotating the Lee flip about a second axis would allow a user to see the display screen, but not the correct set of keys. Moreover, closing the flip such that the user sees the correct keypad causes the lower portion of the display (30b) to power off, thus reducing the size of the display screen viewable by the user. This is inapposite to what Lee intends.

In sum, Hemmi does not qualify as valid prior art. Further, there is no motivation to combine Lee and Hemmi. Accordingly, the §103 rejections to the independent claims 1 and 15, and their respective dependent claims, necessarily fail as a matter of law and must be withdrawn. In light of the above remarks, all pending claims are patentable over the cited art and Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Stephen A. Herrera
Registration No.: 47,642

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P.O. Box 5
Raleigh, NC 27602
Telephone: (919) 854-1844
Facsimile: (919) 854-2084